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May 5th, 2015 Minutes

Brookings County Planning & Zoning Commission
May 5th, 2015 – 8:00 PM
Brookings City & County Government Center
310 Chambers

Vice chair Rochel called the meeting to order at 8:26 PM due to the Brookings City Planning & Zoning Commission meeting running late. Commission members present were: Lee Ann Pierce, Kimberly Elenkiwich, Darrel Kleinjan, Laurie Nichols, Terrell Spence and Randy Jensen and alternate board member Roger Erickson. Jeff Robbins and Darrell Nelson were absent.

Chair Rochel read **agenda item # 2: Approval of minutes from April 7th, 2015 regular monthly meeting and April 24th, 2015 work session.** Terrell Spence moved to approve the minutes. Kimberly Elenkiwich second. Chair Rochel called for a voice vote. 8-ayes and 0-nays, motion carried.

Chair Rochel read **agenda item # 3: Items to be added to agenda by commission members or staff.** Richard Haugen added Tim Trooien's lift station to be discussed during department reports.

Chair Rochel read **agenda item # 4: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board.** Bill and Julie Ross scheduled time to address the board.

Chair Rochel read **agenda item # 5: Approval of Agenda.** Darrel Kleinjan moved to approve the agenda. Roger Erickson second. Chair Rochel called for a voice vote. 8-ayes and 0-nays, motion carried.

Chair Rochel stated, "We are now acting as the Brookings County Board of Adjustment" read the opening statement and **agenda item # 6: 2015var006: Corey Caraway has made an application, 2015var006, to the Brookings County Board of Adjustment for a variance. Article 13.00: Section 13.01: "LP" Lake-Park District: Density, Area and Yard Regulation (Lake Front). The property is described as: "Lot 2 Bird Addtn in Govt Lots 2 & 3 in the SW1/4 & NW1/4 of Sec. 28, T109N, R50W (Medary Township)" ~~ located at 2516 Lake Shore Dr, Volga, SD 57071.** Kimberly Elenkiwich moved to approve the variance request. Randy Jensen second. Chair Rochel opened up for

discussion and asked Mr. Haugen for a staff report. Mr. Haugen stated, "Corey Caraway has applied for a variance for a 12 feet x 16 feet deck addition approximately 39 feet from the high water mark. Lots 1, 2 & 3 of Bird Addition were platted in 2009. Lot 2 is the most irregular shaped lot, it's pie shaped. The building permit for the house was issued in 2012, with their real estate agent as the general contractor. The south east corner of the residence meets the 75 feet set back. The south west corner of the residence is 63 feet from the high water mark. The agent advised the Caraway's that if the deck is not attached to the house it does not need to meet setback requirements. There is an existing 12 feet x 16 feet free standing deck, not attached to the house already in place. Mr. Caraway came in to see if a building permit was required for his deck addition. He was advised by staff that, he needed a building permit for the deck addition, it had to meet the setback requirements and if a deck is free standing it still needs to meet the setback requirements. Mr. Caraway was surprised that he was out of compliance and wanted to know what needed to be done, he was advised to apply for a variance." Chair Rochel asked Mr. Caraway to address the board. Mr. Caraway stated, "He would like to build a 12 feet x 16 feet deck platform addition onto his existing deck. It would be a flat deck, with maybe a bench on there, nothing permanent, no railing, as it will be low to the ground." The board discussed: the lake curves around and the proposed deck would be align with other structures, the applicant knew of the odd shape lot when it was purchased, acknowledged the applicant was misinformed by their contractor, discussed if this variance application is passed it would set a precedence with the variance being approximately one-half of the required setback distance from the lake and everyone will want to be that closer the lake; the required setback is there to help prevent flooding and to protect the lake; no building permit is needed to pour concrete or paver stones; amending the motion to allow only the existing portion of the deck and not the addition, as it is already built. Kimberly Elenkiwich move to amend the motion as follows: "To allow the existing deck to be approximately 51 feet from the high water mark." Terrell Spence second. Chair Rochel called for a roll call vote: Pierce-aye, Erickson-aye, Elenkiwich-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye and Rochel-aye. 8-ayes and 0-nays, motion to amend the main motion carries. Chair Rochel called for further discussion on the motion as amended for an "After the fact variance for a 12 feet x 16 feet existing deck approximately 51 feet from the high water mark." Chair Rochel opened up for discussion from the audience, seeing none. Chair Rochel asked Mr. Haugen to go over the Findings of Facts, with any addition, which are on file. Chair Rochel called for a roll vote: Elenkiwich-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Pierce-aye, Erickson-aye and Rochel-aye. 8-ayes and 0-nays, motion carried.

Chair Rochel stated "We are now acting as the Brookings County Planning and Zoning Commission" read the opening statement and **agenda item # 7: 2015cu004: Michael L. Denning has made an application, 2015cu004, to the Brookings County Planning and Zoning Commission for a conditional use permit, for a temporary fireworks stand. Article 13: Section 13.01: "LP" Lake-Park District, Conditional Use # 7: "The County Zoning Commission may permit other uses which in its opinion are not detrimental to other uses and**

are in the general character of other uses in the LP District.” The property is described as: “Kapanke Subdivision Lot 1, Exc Twister’s Addition & Exc Lot H-1 in E1/2 NW1/4 of Section 6, T112N, R52W (Laketon Township)” ~~ located at 45441 S Lake Dr, Arlington, SD 57212. Terrell Spence moved to approve the conditional use request. Darrel Kleinjan second. Chair Rochel opened up for discussion and asked Mr. Haugen for a staff report. Mr. Haugen stated, “Mr. Denning has applied for a temporary conditional use for a fireworks stand at Lake Poinsett, this would be for 3 years. In the past this board has allowed the second conditional use to be for a longer period of time, then if things are going well and no concerns have been brought up during that time. He can apply for a permanent conditional use after the 3 years. He had one there last year and we received no complaints. He will use the same lay out as last year. Brookings County Highway Superintendent Dick Birk has no objections to the request. If approved he may want to put up a temporary inflatable sign, weather permitting, if it is too windy it would not be used.” Chair Rochel asked Mr. Denning to address the board. Mr. Denning stated, “He would like to sell fireworks again up there this, like last year. If this is approved he may purchase an inflatable sign that would be tethered down and only in use when it is not too windy.” The board discussed if fireworks stand in the lake park district was discussed during the comp plan work session. Luke Muller from First District of Local Government stated, “Yes it was discussed and would be allowed until the conditional use expired. Then if ordinance or anything changes, it would then have to follow those requirements. The board also discussed the inflatable sign must meet the setback requirements and follow recommended safety precautions. He is to follow all state laws regarding firework sales from June 27th through July 5th. Chair Rochel opened up for discussion from the audience. Seeing none, Chair Rochel asked Mr. Haugen to go over the Findings of Facts, with any additions, which are on file. Chair Rochel called for a roll call vote: Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Pierce-aye, Elenkiwich-aye, Erickson-aye and Rochel-aye. 8-ayes and 0-nays, motion carried.

Chair Rochel read **agenda item # 4: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board, a) Bill & Julie Ross.** Chair Rochel asked Bill and Julie Ross to address the board. Bill & Julie Ross, from Good Roots Farm and Gardens, located at 3712 Medary Ave, Brookings addressed the board. They live on 40 acres of Julie’s family farm, raise and sell garden produce locally to restaurants and at the farmer’s market, have chickens and a few other animals. They would like to have a sustainable farm and host agri-tourism tours, seminars, showing groups how crops are grown and raised along with their nutritional value. They have worked with an architect and the Department of Health into renovating their barn to be used for direct sales, public use and have a kitchen and restrooms, but that will depend on the cost to do that. With the kitchen facility, coolers and food storage area they would be able to provide meals for the groups they host and the possibility of being able to host country weddings, anniversaries, family reunions, educational classes, farm to fork meals and farm stays. The loft of the barn would seat 85-95 people and their back yard could hold 200-250 people. They do not want to sell alcohol, but would set the limits for alcohol use if the occupants

bring alcohol into the facility. The board was supportive of what they would like to do, but would like them to narrow their focus to more specific events they would host to start out with and then expand it from there in the future. The board discussed the conditional use for this type of use may fall under is an extended home business or a commercial public entertainment enterprise.

Chair Rochel read **agenda item # 3: Items to be added to agenda by commission members or staff: a.) Tim Trooien**. Mr. Haugen stated, "Mr. Trooien would like to have a drainage lift station in the NW1/4 of Section 31 in Sterling Township (T111N, R50W) along Brookings County Road 7, (466th Ave). The lift station would be located on the east side of the road, out of the right of way in the edge of the field, near field approach and utility pole. Mr. Trooien would like to build a 6 feet wide x 6 feet in length and 6 feet tall structure to contain his lift pump, piping and valves. This is along a county road, Brookings County Highway Superintendent Dick Birk is ok with it as it is on the east side of the road and will no cause an issue with snow and he has a driveway permit for the new driveway it would be located by. The board discussed and determined that if Mr. Trooien keeps his lift station low profile 12 inches or less above the ground, he can locate it there. If he wants to make more than 12 inches tall than he will have to apply for a variance.

Chair Rochel read **agenda item # 9: Department Reports**. Chair Rochel asked Mr. Haugen if there were any department reports. Mr. Haugen addressed the board stating, "He has been selected by the County to be the Brookings County Development Deputy Director." Lee Ann Pierce stated, "The County will then be looking to add another staff person for Richard's former position."

Chair Rochel adjourned the meeting at 10:04 PM.

Richard Haugen
Brookings County
Development Department.